1	JOHN L. BURRIS, Esq. State Bar #69888 BENJAMIN NISENBAUM, Esq. /State Bar #222173 LAW OFFICES OF JOHN L. BURRIS		
2	Airport Corporate Centre	IN NISENBAUM, Esq. /State Bar #222173 FICES OF JOHN L. BURRIS supporate Centre port Street, Suite 1120 California 94621 :: (510) 839-5200 : (510) 839-3882 for Plaintiff UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA AM, individually, through his next thy LAM, Plaintiffs, Case No. 14-cv-00877 PSG PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION IN LIMINE NO. 8 TO EXCLUDE OR LIMIT TESTIMONY OF DR. ALEX BARCHUK SAN JOSE, a municipal corporation; SQUIVEL, in his capacity as Chief of the CITY OF SAN JOSE; Officer CWEST, individually and her official s a San Jose Police officer, and DOES usive, Defendants. Pretrial Conference Date: October 6, 2015 Time: 10:00 a.m. Croutroom 5 Trial Date: October 19, 2015 Honorable Paul S. Grewal Defendants. // Amittiff opposes Defendants' Motion in limine No. 8 to exclude testimony of Dr. Alex and proposed Defendants Motion in limine No. 5 to exclude testimony of Carol Hyland. Pretrial Conference Date: October 19, 2015 Time: 10:00 a.m. Croutroom 5 Trial Date: October 19, 2015 Honorable Paul S. Grewal Defendants. // Amittiff opposed Defendants Motion in limine No. 5 to exclude testimony of Carol Hyland. Pretrial Conference Date: October 6, 2015 Time: 10:00 a.m. Croutroom 5 Trial Date: October 19, 2015 Honorable Paul S. Grewal Defendants.	
3	Oakland, Čalifornia 94621		
4	Telephone: (510) 839-5200 Facsimile: (510) 839-3882		
5	Attorneys for Plaintiff		
6	UNITED STATES DISTRICT COURT		
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
8			
9	HUNG LAM, individually, through his next	Case No. 14-cv-00877 PSG	
10	friend, Kathy LAM,	DEFENDANTS' MOTION IN LIMINE NO. 8	
11	Plaintiffs,		
12	VS.		
13	CITY OF SAN JOSE, a municipal corporation; LARRY ESQUIVEL, in his capacity as Chief of	Time: 10:00 a.m.	
14	Police for the CITY OF SAN JOSE; Officer		
15	position as a San Jose Police officer, and DOES	Trial Date: October 19, 2015	
16	1-25, inclusive,	Honorable Paul S. Grewal	
17	Defendants.		
18			
19	Plaintiff opposes Defendants' Motion in limine No. 8 to exclude testimony of Dr. Alex		
20	Barchuk only on the issue "costing" that was performed in Carol Hyland's report, on the same bases		
21	as Plaintiff opposed Defendants Motion in liming. No. 5 to exclude testimony of Carol Hyland		
22			
23	Bermudez v. Ciolek 237 Cal.App. 4 th 1311, 188 Cal.Rptr.3d 820, (June 22, 2015) is dispositive of		
24	Defendants' position. Defendant's instant Motion <i>in limine</i> must be denied as to this issue.		
25		Respectfully submitted,	
26	Dated: September 29, 2015	THE LAW OFFICES OF JOHN L. BURRIS	
27		/s/ Benjamin Nisenbaum	
28		Benjamin Nisenbaum Attorney for Plaintiff	

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTIION $IN\ LIMINE\ NO.\ 8$ TO EXCLUDE OR LIMIT TESTIMONY OF DR. ALEX BARCHUK.